

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re	}	
KATIE ELIZABETH BURCHETT	})	Case No: 14-35351-tmb7
Debtor.	})	
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KENNETH S. EILER, TRUSTEE,	})	
Plaintiff,	})	Adv. Proc. No.
v.	})	
FRAN BENTLEY	})	
Defendant.	})	COMPLAINT TO AVOID AND RECOVER PREFERENTIAL TRANSFERS
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Plaintiff alleges:

JURISDICTION

1. This is a core proceeding over which this court has jurisdiction pursuant to 28 USC §§ 157 and 1334 and United States District Court Local Rule 2101. The matter in controversy arises under 11 USC §§ 547. Venue is proper pursuant to 28 USC § 1409.
2. A voluntary petition under Chapter 7 of the US Bankruptcy Code was filed herein by the debtor on October 20, 2014.

PARTIES

3. Plaintiff is the duly qualified Chapter 7 Trustee herein.
4. Defendant is the Debtor's mother and a resident of Oregon.

FIRST CLAIM FOR RELIEF

(11 USC § 547)

5. Plaintiff realleges paragraphs 1 through 4.
6. Within one year of the filing of the Chapter 7 petition herein, debtor made one

or more transfers to defendant in the form of cash or its equivalent totaling \$1,000.

7. Each of the Transfers described:

- (a) was the transfer of an interest in debtor's property;
- (b) was to and for the benefit of defendant;
- (c) was made on account of an antecedent debt owed by debtor to defendant;
- (d) was made at a time when debtor was insolvent; and
- (e) if validated, would enable defendant to receive more than she would have

received had the transfers not been made and had defendant received distribution from the estate pursuant to the Bankruptcy Code.

8. On November 24, 2014, plaintiff made demand on defendant for the repayment of the transfers but defendant has failed or refused to pay the same;

9. Plaintiff is entitled to recover from defendant the Transfers (or the cash equivalent value thereof), together with interest thereon at the rate provided under 28 USC § 1961(a) from November 24, 2014 until paid.

WHEREFORE, plaintiff prays for a judgment as follows:

1. Adjudging that the transfers are void;

2. Awarding judgment to Plaintiff in the amount of at least \$1,000 together with interest thereon at the rate provided in 28 USC § 1961(a) from November 24, 2014, until paid, and for costs and disbursements incurred herein; and

3. Granting any such other and further relief as the court deems just and proper.

By: /s/ Kenneth S. Eiler
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